

City-County General Ordinance No. 23, 1985

Metropolitan Development Commission

Docket Numbers:

Original - 68-AO-7

Amending - 81-AO-8

85-AO-1

CBD-SPECIAL DEVELOPMENT DISTRICT

ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

METROPOLITAN DEVELOPMENT COMMISSION

1985

Amendment 85-AO-1  
Officially Adopted  
March 26, 1985

CITY-COUNTY GENERAL ORDINANCE NO. 23  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 85-AO-1

AN ORDINANCE to amend Marion County Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

WHEREAS, I.C. 36-7-4, as amended, establishes a single planning and zoning authority in counties having consolidated cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and the City-County Council of such counties having consolidated cities, in order to unify the planning and zoning functions thereof; and

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to I.C. 36-7-4, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA; and

WHEREAS, said I.C. 36-7-4, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general public welfare may be promoted;

NOW THEREFORE BE IT ORDAINED BY  
THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS  
AND MARION COUNTY, INDIANA

Section 1. That Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended, be further amended by amending the CBD-Special Development District Zoning Ordinance (Docket No. 68-AO-7) to read as follows:

CBD-SPECIAL DEVELOPMENT DISTRICT  
ZONING ORDINANCE  
OF  
MARION COUNTY, INDIANA

CHAPTER I

SECTION 1.00 CBD-SPECIAL DEVELOPMENT ZONING DISTRICT --  
PERMITTED USES

A. GENERAL USE REGULATIONS

After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.

2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the value of the structures or facilities affected.

B. PERMITTED CBD-SPECIAL DEVELOPMENT DISTRICT (CBD-S) USES

The following shall be permitted CBD-S DISTRICT uses:

1. PUBLIC AND SEMIPUBLIC STRUCTURES AND USES, PARKS AND OPEN SPACE, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, zoos, civic centers, libraries, governmental office complex, malls, greenways, and recreational uses such as sports stadia, marinas, and similar uses.

2. APARTMENT COMPLEX, APARTMENT HOTELS, HOTELS, MOTOR HOTELS, RESTAURANTS.

3. BUSINESS OFFICE-APARTMENT COMPLEX, or other planned complex, which may including business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities therefor.

4. INDUSTRIAL RESEARCH AND DEVELOPMENT PARK.

5. OFF-STREET PARKING GARAGES AND LOTS.

6. ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS.

7. ANY OTHER APPROPRIATE PLANNED LAND USE, COMPLEX OR COMBINATION OF LAND USES as designated and specified in the amending petition or ordinance zoning land to the CBD-S SPECIAL DEVELOPMENT DISTRICT.

A site and development plan for a proposed CBD-S DISTRICT shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan or any amended plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator of the Division of Development Services, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's finding that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. If the Administrator does not so find, the applicant may appeal the Administrator's decision to the Metropolitan Development Commission, and the Commission shall determine, after hearing, whether the Administrator's decision should be sustained.

## CHAPTER II

### SECTION 2.00 CBD-S DISTRICT REGULATIONS

The following regulations shall apply to all land within the CBD-S DISTRICT.

A. CBD-S DISTRICT DEVELOPMENT STANDARDS

All CBD-S DISTRICT uses shall:

1. be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive or Master Plan of Marion County, Indiana;
2. create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the CBD-S DISTRICT and with adjacent uses;
3. provide sufficient and well-designed access, parking and loading areas;
4. provide traffic control and street plan integration with existing and planned public streets and interior access roads;
5. provide adequately for sanitation, drainage and public utilities; and
6. allocate adequate sites for all uses proposed -- the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana.

B. CBD-S DISTRICT PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

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|---------------------------------------|---|
| 1. VIBRATION                          | No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.   |
| 2. SMOKE, DUST AND PARTICULATE MATTER | Smoke, dust and particulate matter and any other airborne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air Pollution, City of Indianapolis, which ordinance is on file in the office of the Division of Development Services, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof. |

3. NOXIOUS MATTER      No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. ODOR      No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. SOUND      No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as to not become detrimental due to intermittence, beat frequency, shrillness or vibration.
6. HEAT AND GLARE      No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. WASTE MATTER      No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

#### SECTION 3.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof,

other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

Section 2. That an emergency exists for the passage of this ordinance and the same shall be in full force and effect from and after its passage.

CITY-COUNTY COUNCIL OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA

Beurt Servass  
President

Date: March 26, 1985

Attest: Beverly S. Rippy  
Clerk